

Inner City Press

February 17, 2025

By ECF, to all parties

Hon. Dale E. Ho, United States District Judge

Southern District of New York, 40 Foley Square, New York, NY 10007

Re: Press application to unseal the "Sealed Documents Placed in Vault" and all other withheld information in USA v. Eric Adams, 24-cr-556 (DEH)

Dear Judge Ho:

Inner City Press has been covering the above captioned case in which the Department of Justice on February 14, 2025 filed a motion seeking dismissal of all charges against NYC Mayor Eric Adams, "without prejudice."

On February 12, 2025 as Dkt No. 117 on PACER it was stated "SEALED DOCUMENT placed in vault." This is a second request to unseal this and all other sealed and/or redacted documents in this case, given the public interest - and/or initially, to have the filer(s) make a public argument for sealing under *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119 (2d Cir. 2006) - which states, "The common law right of public access to judicial documents is firmly rooted in our nation's history." In this case it is imperative there be access to the entire docket.

At a recent meeting of this Court's Media Access Committee it was suggested that such request should be made in writing to the District Judge, into the docket. But it would seem to be up to the Court to require a public filing under *Lugosch*, and/or to unseal as much of the submissions as possible.

Please docket this challenge to the sealings and redactions in this case, as SDNY Judges Hellerstein, Castel, Caproni, Furman and others have done. See, e.g., <https://storage.courtlistener.com/recap/gov.uscourts.nysd.516151/gov.uscourts.nysd.516151.85.0.pdf> .

If appropriate, PLEASE TAKE NOTICE that Inner City Press and its undersigned reporter, in personal capacity, will move this Court before Honorable Dale E. Ho, U.S. District Judge for the Southern District of New York, at a date and time directed by the Court, for entry of an order granting permission to be heard on sealing or unsealing of the "SEALED DOCUMENTS placed in vault" and all other sealed and/or redacted documents in this case.

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If deemed necessary, this now is a request to intervene, see *United States v. All Funds on Deposit at Wells Fargo Bank*, 643 F. Supp. 2d 577, 580 (S.D.N.Y. 2009)

This request is being submitted as Inner City Press did in *USA v. Bankman-Fried, et al.*, 22-cr-673 (LAK) at Dkt 31, granted by Judge Kaplan at Dkt 41 & 57.

Please act on this request, as soon as possible.

Thank you.

Respectfully submitted,

/s/

Matthew Russell Lee, Inner City Press

cc: derek.wikstrom@usdoj.gov, alexspiro@quinnemanuel.com

APPLICATION GRANTED.

Inner City Press ("ICP") seeks unsealing of ECF No. 117, an ex parte Order pursuant to Section 4 of the Classified Information Procedures Act (the "Section 4 CIPA Order"). *See* ECF No. 126. On April 3, 2025, the Court set a deadline of April 17, 2025, for any party to oppose ICP's request. *See* ECF No. 180. To date, no such opposition has been filed.

As an order of this Court, the Section 4 CIPA Order is undoubtedly a judicial document. The presumption of public access is particularly strong with respect to court orders "in view of the public's legitimate interest in monitoring Article III courts and the longstanding values of openness and self-governance upon which that interest is grounded." *United States v. Yeghoyan*, No. 20 Crim. 652, 2024 WL 2945976, at *1 (S.D.N.Y. June 11, 2024).

As for countervailing interests, the Court placed the Section 4 CIPA Order under seal because it references potential defense theories in this matter. *Cf. United States v. Liu*, No. 19 Crim. 804, 2021 WL 3374535, at *1 (S.D.N.Y. Aug. 3, 2021); *United States v. Shestakov*, No. 23 Crim. 16, 2024 WL 5239040, at *2 (S.D.N.Y. Dec. 27, 2024). However, in light of the Court's decision dismissing this case with prejudice, *see* ECF No. 177, that interest no longer justifies keeping the Section 4 CIPA Order under seal. Indeed, Defendant Mayor Adams has not opposed ICP's motion, effectively consenting to unsealing of the Order.

Accordingly, the Section 4 CIPA Order, ECF No. 117, shall be unsealed and placed on the public docket by the Court.

SO ORDERED

Dated: April 25, 2025
New York, New York



Dale E. Ho
United States District Judge